

REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 2, 34, 54, and 62-98 are pending in this application.

I. INTERVIEW SUMMARY

Applicants thank the Examiner for the telephone interview conducted on April 7, 2010. Examiner Henry and his supervisor represented the USPTO. Applicants were represented by Karl T. Rees. The parties discussed general claim concepts with respect to FIG. 2 of Applicants' Specification, claims 62, 68, and 78, and the *Karjala* reference. In particular, Applicants pointed out that *Karjala* failed to teach or suggest anything like the methods of claims 62, 68, and 78. In response, Examiner's supervisor suggested that Applicants formally submit their arguments in a response after final. Those arguments are submitted herein. No agreement on the allowability of claims 62, 68, and 78 was reached, however Examiner's supervisor was of the opinion that the discussed elements of *Karjala* did not appear to teach or suggest the features of claims 62, 68, and 78 that the Office Action alleged.

II. REJECTION UNDER 35 U.S.C. § 102

Claims 34, 54, 62-65, 67-71, 77, 83-86, 88-92, and 98 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Pub. No. 2004/0268148 A1 (hereinafter "*Karjala*"). Applicants traverse the rejection. Reconsideration is respectfully requested.

CLAIM 62

Claim 62 recites an apparatus, such as a management proxy, that, among other purposes, allows a management application to communicate management requests, such as SNMP requests, with a network entity that cannot or is not configured to communicate directly with the management application. The apparatus assumes that the network entity acts in an autonomous "self-managing" manner, in that the apparatus does not immediately send at least some of the management requests to the target network entity, but rather pools the requests and awaits for a poll message from the network entity before delivering the requests.

Among other elements, the apparatus of claim 62 comprises:

one or more stored sequences of instructions which, when executed by the one or more processors, cause the one or more processors to perform:
receiving a request from a management application for interaction with the network entity;
based at least upon the request from the management application, creating a management request;
storing said management request at the apparatus while awaiting a poll for the management request from the network entity;
receiving a poll message from the network entity, said poll message requesting from the apparatus any available management requests applicable to the network entity;
in response to the poll message:
selecting one or more management requests stored in the apparatus that match the network entity; and
delivering the selected one or more management requests to the network entity;

By contrast, *Karjala* describes a security service management (“SSM”) server that stores VPN profiles (i.e. “policies”) and certificates. *Karjala* at ¶¶ [0103], [0107]. Client applications authenticate the SSM server based on its certificates, and then update their VPN policies to reflect any new policies that have been pushed to the SSM server. *Karjala* at ¶ [0114].

Karjala fails to teach or suggest many, if not all, elements of claim 62. For example, *Karjala* fails to teach or suggest the pooling of management requests at a management proxy. The allegations in the Office Action as to which elements of *Karjala* corresponded to the “management requests” and the “management proxy” are inconsistent, at best. For example, page 8 of the Office Action appears to allege that a certification request as disclosed in ¶ [0116] is a management request. The certification request has nothing to do with a management request from a management application. Further, the Office Action ignores the fact that it is the certificate, not the certification request, that is stored at the SSM server.

Meanwhile, page 8 separately alleges that the certificates themselves are management requests. The Office Action is mistaken. **A certificate is not a request, much less a management request** within the meaning of claim 62. Page 8 then suggests that the process of *Karjala*’s clients requesting a VPN profile from the SSM server taught the process of a network entity polling claim 62’s apparatus for a management request. The Office Action is inconsistent regarding what element of *Karjala* corresponds to claim 62’s management request. Further, a

VPN profile is also not a request and certainly not a management request within the meaning of claim 62.

Applicants understand that the Office Action cites *Karjala* simply to show that the concept of a proxy server would have been well known. The Office Action has failed to meet its burden under 35 U.S.C. § 102 to provide a single prior art reference to disclose each and every feature of a claim, *arranged as in the claim*. See *Net Moneyin, Inc. v. Verisign, Inc.*, 549 F.3d 1359 (Fed. Cir. 2008). Claim 62 does not simply claim a proxy server, but rather an apparatus that features each and every element recited in claim 62. For at least the foregoing reasons, then, *Karjala* fails to teach or suggest at least one element of independent claim 62. Therefore, *Karjala* does not anticipate claim 62 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIM 68

Claim 68 recites an apparatus, such as a network entity or management proxy, that, among other purposes, may be used to facilitate self-initiated management at a network entity by periodically polling a management gateway for management requests that have been stored thereat by a management application. In response to the poll request, the apparatus receives management requests from the management gateway and initiates communication of reply to the management request at the network element.

Among other elements, the apparatus of claim 68 comprises:

- one or more stored sequences of instructions which, when executed by the one or more processors, cause the one or more processors to perform:
 - requesting a management gateway that is communicatively coupled to a network element to provide one or more management requests for a network element; wherein the one or more management requests have been stored at the management gateway by a management application;
 - in response to said requesting, receiving from the management gateway at least a particular management request;
 - in response to the particular management request, initiating at the network element communication of a reply to the particular management request, via the management gateway;

Karjala fails to teach or suggest many, if not all, elements of claim 68. The Office Action appears to make erroneous and contradictory allegations about which elements of *Karjala* allegedly correspond to the features recited in claim 68. For example, in the middle of page 10, the Office Action appears to allege that a request for certification authentication in *Karjala* at ¶ [0114] is a management request stored at the SSM server. However, as discussed above, the SSM server stores certificates, not requests for certificate authentication. Further, neither a request for certificate authentication nor a certificate is a management request.

Meanwhile, at the bottom of page 10, the Office Action appears to allege that a request for a policy update in *Karjala* at ¶ [0114] is either a management request or a reply to a management request. However, a request for a policy update is not stored on any device, and therefore cannot be a management request. The request for policy update is not responsive to any management request, and therefore cannot be a reply to a management request.

Applicants understand that the Office Action cites *Karjala* to show that relying upon a proxy server would have been well known. The Office Action has clearly failed to meet its burden under 35 U.S.C. § 102 to provide a single prior art reference that discloses each and every feature of claim 68, arranged as in the claim. *See Net Moneyin, Inc. v. Verisign, Inc.*, et al., 549 F.3d 1359 (Fed. Cir. 2008). Claim 68 does not simply claim a proxy server or an apparatus that relies upon a proxy server, but rather an apparatus that features each and every element recited in claim 68. For at least the foregoing reasons, then, *Karjala* fails to teach or suggest at least one element of independent claim 68. Therefore, *Karjala* does not anticipate claim 62 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

CLAIMS 34, 54, 83, AND 89

Claims 34, 54, 83, and 89 also recite features argued above with relation to claims 62 and 68, although claims 34, 54, 83, and 89 are expressed in other formats. Because each of claims 34, 54, 83, and 89 recites at least one of the features described above for claims 62 or 68, each of claims 34, 54, 83, and 89 is therefore allowable over *Karjala* for at least one of the same reasons as given above for claims 62 or 68. Reconsideration is respectfully requested.

CLAIMS 63-65, 67, 69-71, 77, 84-86, 88, 90-92 AND 98

Each of claims 63-65, 67, 69-71, 77, 84-86, 88, 90-92 and 98 depends from one of claims 34, 54, 62, 68, 83, or 89, and includes each of the above-quoted features of its respective parent claim by dependency. Thus, *Karjala* also fails to teach or suggest at least one feature found in claims 63-65, 67, 69-71, 77, 84-86, 88, 90-92 and 98. Therefore, *Karjala* does not anticipate claims 63-65, 67, 69-71, 77, 84-86, 88, 90-92 and 98. Reconsideration of the rejection is respectfully requested.

III. REJECTIONS UNDER 35 U.S.C. § 103

A. Claims 72 and 93: *Karjala* and *Green*

Claims 72 and 93 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Karjala* in view of U.S. Patent No. 6,003,084 (hereinafter “*Green*”). The rejection is respectfully traversed.

Each of claims 72 and 93 is dependent upon independent claims 68 or 89. As discussed in section II above, *Karjala* fails to teach or suggest one or more features of claims 68 and 89. The one or more features, identified above, which are missing from *Karjala*, are also missing from *Green*. In fact, the Office Action did not rely upon *Green* for showing the one or more features. Consequently, the combination of *Karjala* and *Green* fails to teach or suggest one or more features of claims 72 and 93. Thus, claims 72 and 93 are patentable over the combination of *Karjala* and *Green*.

B. Claims 66, 78-82, and 87: *Karjala* and *Davies*

Claims 66, 78-82, and 87 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Karjala* in view of U.S. Patent No. 6,058,420 (hereinafter “*Davies*”). The rejection is respectfully traversed.

CLAIM 78

The apparatus of claim 78 features, among other elements:

one or more stored sequences of instructions which, when executed by the one or more processors, cause the one or more processors to perform:
receiving event notifications from one or more network entities;
storing said event notifications at the apparatus;
receiving one or more poll messages from one or more subscribing management applications; and
in response to the one or more poll messages, relaying the one or more event notifications to the subscribing management applications;

The cited references fail to teach or suggest most, if not all of these features. For example, the cited references fail to teach or suggest **“in response to the one or more poll messages [from one or more subscribing management applications], relaying the one or more event notifications [from one or more network entities] to the subscribing management applications.”** The Office Action alleges that *Karjala* describes to perform an action in response to a poll message from a subscribing management application, and that *Davies* discloses a system that relays event notifications from network entities to a management application. These alleged teachings, though clearly not found in the cited references, nonetheless fail to suggest that the **relaying of event notifications occurs in response** to poll messages from subscribing applications. Nor is any reason shown why one would relay event notifications, as allegedly taught in *Green*, in response to *Karjala*’s alleged poll messages.

For at least the foregoing reasons, the combination of *Karjala* and *Davies* fails to provide the complete subject matter recited in independent claim 78. Therefore, the combination of *Karjala* and *Davies* would not have rendered claim 78 obvious under 35 U.S.C. § 103. Reconsideration is respectfully requested.

CLAIMS 66, 79–82, AND 87

Each of claims 79–82 depends from claim 78, and includes the above-quoted features of its parent claim by dependency. Thus, the combination of *Karjala* and *Davies* also fails to teach or suggest at least one feature found in claims 79–82. Therefore, the combination of *Karjala* and *Davies* does not render obvious claims 79–82.

Each of claims 66 and 87 is dependent upon independent claims 62 or 83. As discussed in section II and above, *Karjala* fails to teach or suggest one or more features of claims 62 and

83. The one or more features, identified above, which are missing from *Karjala*, are also missing from *Davies*. In fact, the Office Action did not rely upon *Davies* for showing the one or more features. Consequently, the combination of *Karjala* and *Davies* fails to teach or suggest one or more features of claims 66 and 87. Thus, claims 66 and 87 are patentable over the combination of *Karjala* and *Green*.

C. Claims 73-76 and 94-97: *Karjala*, *Green*, and *Davies*

Claims 73-76 and 94-97 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Karjala* in view of *Green*, and further in view of *Davies*. The rejection is respectfully traversed.

Each of claims 73-76 and 94-97 is dependent upon independent claims 68 or 89. As discussed in section II above, *Karjala* fails to teach or suggest one or more features of claims 68 and 89. The one or more features, identified above, which are missing from *Karjala*, are also missing from *Green* and *Davies*. In fact, the Office Action did not rely upon *Green* or *Davies* for teaching the one or more features. Consequently, the combination of *Karjala*, *Green*, and *Davies* fails to teach or suggest one or more features of claims 73-76 and 94-97. Thus, claims 73-76 and 94-97 are patentable over the combination of *Karjala*, *Green*, and *Davies*.

D. Claim 2: *Green*, *Lavian*, and *Davies*

Claim 2 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Green* in view of U.S. Patent No. 7,433,941 (hereinafter "*Lavian*"), and further in view of *Davies*. The rejection is respectfully traversed.

Claim 2 is patentable over the cited references for at least the five reasons enumerated in Applicants' response of June 23, 2009. The Office Action appears to attempt to rebut only the second of those reasons, and the rebuttal entirely misreads Applicants' arguments. For the Office's convenience, each of the five reasons is repeated below, with further explanation as to the second reason.

(1) The references do not teach a management proxy

The Office Action appears to allege that *Green* describes claim 2's concept of a management proxy in a single sentence found in *Green*, col. 10, lines 8–9. This sentence reads:

The Sidewinder TCP/IP software replies to the connection request and passes the calling information to the proxy.

The Office Action alleges that Sidewinder, operating at a server 216, is a management application, and that the above sentence makes it clear that the Sidewinder software relies upon a management proxy within the meaning of claim 2. The Office Action is in error.

Green's proxy 212 bears almost no similarity to the management proxy of claim 2, as confirmed by the fact that the Office Action relies upon the proxy 212 to describe just one step performed by claim 2's management proxy: "receiving a request from a management application for interaction with a network entity." Even the Office Action's reliance upon proxy 212 to teach that feature is mistaken. Proxy 212 does not receive the request from a management application; rather proxy 212 receives the request from client 214. Proxy 212 cannot, then, teach or suggest the management proxy of claim 2. In essence, the Office Action can only rely upon *Green* for placing proxies between a server and a client.

Meanwhile, *Davies* describes a system comprised of a poller, server, database, and clients. *E.g. Davies* at col. 3, lines 24–26. None of these devices is a management proxy within the meaning of claim 2. *Davies'* server, clients, and database are not proxies in any sense, while *Davies'* poller is nothing more than a module that monitors interfaces via SNMP GET messages to determine if they are reachable. *Davies* at col. 3, lines 35–45. None of the devices described in *Davies* function as the management proxy of claim 2.

Section III above explains that *Levan* does not teach a management gateway within the meaning of claim 34. For similar reasons, *Levan* does not teach the management proxy within the meaning of claim 2.

Nor, for the reasons explained below, would it be obvious to modify any device discussed in any of the references to perform the functions of the management proxy of claim 2.

(2) The Office Action cites no reference as disclosing the type of poll message recited in claim 2

Claim 2 recites that the poll message "request[s] from the management proxy any available management requests applicable to the network entity." The Office Action admits on page 22 that *Green* and *Davies* fail to teach such a poll message. Yet, the Office Action fails to allege any other reference as describing the poll message of claim 2. Nor do any of the other cited references appear to teach such a feature. The Office Action is clearly in error.

The Office Action attempts to rebut this argument by insisting that *Davies* does show a poll message. The Office Action misses Applicants' point entirely. **Even if *Davies* describes a poll message, the poll message is not the same type of poll message as recited in claim 2, in that *Davies* poll message would not "request from the management proxy any available management requests applicable to the network entity."** **The Office Action admits the difference in the last paragraph of page 34 and again on page 37, and the Office Action fails to explain how any other reference teaches that the poll message "request[s] from the management proxy any available management requests applicable to the network entity."** Clearly the Office Action is erroneous.

(3) *Davies*' "poll message" is not received by a management proxy

Claim 2 recites that a poll message from a network entity is received at a management proxy. The Office Action alleges that *Davies* describes such a step in *Davies* at col. 11, lines 16–30. The Office Action is mistaken. This passage of *Davies* states that an interface 761 receives an SNMP Poll Request 751 from the poller. *Davies*' **interface 761 is not a management proxy**. Nor is Poll Request 751 sent from a network entity for which interface 751 is storing management requests.

In summary, *Davies* describes nothing more than that a poll messages may be received by interfaces. *Davies* does not teach the type of poll message recited in claim 2. *Davies* does not teach the receipt of the poll message by a management proxy from a network entity. In fact, since *Davies* features nothing like the poll message of claim 2, *Davies* therefore cannot even suggest that certain steps should be performed in response to the poll message of claim 2.

(4) *Davies* does not teach "storing said management request in the management proxy while awaiting a poll for the management request from the network entity."

Claim 2 also recites "storing said management request in the management proxy while awaiting a poll for the management request from the network entity." The Office Action alleges that *Davies* describes such a feature at col. 10, lines 61–66, because "the connection request is stored until the poller sends a Get request command."

Davies contains no such teaching. The cited passage only states that an "input module 701 stores information concerning interface 764." **The information stored is not a "management request."** Nor is there any evidence that this information is stored "while

awaiting a poll message.” While input module 701 may later receive an SNMP Get Request 755, the Get request has absolutely no relationship to the information stored concerning 764—certainly *Davies* says nothing about storing this information “until” the Get request 755 is received. In fact, as explained above, the SNMP Get Request 755 is not even a poll message within the meaning of claim 2, because it does not “request from the management proxy any available management requests applicable to the network entity.”

(5) *Green*’s “connection request” is received from the requestor, not “created” at the proxy

Claim 2 recites “based at least upon the request from the management application, creating a management request.” The Office Action alleges that *Green* discloses a similar element in *Green* at col. 10, lines 8–12 because “a request has the source and destination addresses on it.” This statement has no relevance to creating a management request.

Moreover, the Office Action apparently contends that the “connection request” described in this passage is a “management request” within the meaning of claim 2, but the plain meaning of these terms is entirely different. Even if the connection request is a management request, the connection request is not created by “the management proxy,” as recited in claim 2. Rather, the “connection request is received from client 214 or server 216. Therefore, *Green* does not teach or suggest that the management proxy performs the step of “based at least upon the request from the management application, creating a management request.”

For at least the foregoing reasons, the combination of *Green*, *Davies*, and *Lavian* fails to provide the complete subject matter recited in independent claim 2. Therefore, the combination of *Green*, *Davies*, and *Lavian* would not have rendered claim 2 obvious under 35 U.S.C. § 103. Reconsideration is respectfully requested.

IV. CONCLUSION

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
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